**IN THE UNITED STATES DISTRICT COURT**
**EASTERN DISTRICT OF TEXAS**
**MARSHALL DIVISION**

| | | |
|---|---|---|
| DATATREASURY CORP., | § | No. 2:06CV-165 (DF) |
| Plaintiff | § | Hon. David J. Folsom |
| | § | JURY TRIAL DEMANDED |
| vs. | § | |
| | § | **DECLARATION OF ANDREW D. WEISS IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS FOR LACK OF PROPER VENUE** |
| CITY NATIONAL CORPORATION; and CITY NATIONAL BANK, | § | |
| Defendants. | § | |

I, Andrew D. Weiss, declare as follows:

1. I am an attorney at Irell & Manella LLP, counsel of record for City National Corporation and City National Bank in this action. I am a member of good standing of the State Bar of California. I have been admitted *pro hac vice* in the Eastern District of Texas. I have personal knowledge of the facts set forth in this Declaration and if called as a witness, could and would testify competently to such facts under oath.

2. Attached as **Exhibit A** is a true and correct copy of the first page of U.S. Patent No. 5,910,988 (the "'988 patent"). The relevant portion is highlighted. Attached as **Exhibit B** is a true and correct copy of the first page of U.S. Patent No. 6,032,137 (the "'137 patent"). The relevant portion is highlighted. Both of these patents identify Lloyd Harbor, New York as the address for the sole named inventor, Claudio R. Ballard.

3. Attached as **Exhibit C** is a true and correct copy of a printout from www.intelius.com created on May 25, 2006. According to this printout, a Claudio R. Ballard currently resides in Huntington, New York, a town near Lloyd Harbor, New York.

4. In addition, the '988 and '137 patents identify McGuire, Woods, Battle & Boothe LLP as the prosecuting attorneys. According to www.mcguirewoods.com, McGuire,

Woods, Battle & Boothe LLP changed its name to McGuireWoods LLP in 2000. McGuireWoods's website also indicates that the law firm has U.S. offices in California, District of Columbia, Florida, Georgia, Illinois, Maryland, New York, North Carolina, Pennsylvania and Virginia. The website does not list an office in the Eastern District of Texas.

5. Attached as **Exhibit D** is a true and correct copy of the first page of U.S. Patent No. 5,717,868 (the "'868 patent"). The relevant portion is highlighted. Attached as **Exhibit E** is a true and correct copy of the first page of U.S. Patent No. 5,265,007 (the "'007 patent"). The relevant portion is highlighted. Both of these patents identify Ohio as the state of residence of all of the patents' named inventors. Additionally, according to www.porterwright.com, the law firm that prosecuted the '868 and '007 patents, Porter, Wright, Morris & Arthur, LLP, has offices in Ohio, Florida and the District of Columbia. The website does not list an office in the Eastern District of Texas.

Executed on June 1, 2006, at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Andrew D. Weiss

# EXHIBIT A

US005910988A

# United States Patent [19]

**Ballard**

[11] **Patent Number: 5,910,988**

[45] **Date of Patent: Jun. 8, 1999**

[54] **REMOTE IMAGE CAPTURE WITH CENTRALIZED PROCESSING AND STORAGE**

[75] Inventor: **Claudio R. Ballard**, Lloyd Harbor, N.Y.

[73] Assignee: **CSP Holdings, Inc.**, Lloyd Harbor, N.Y.

[21] Appl. No.: **08/917,761**

[22] Filed: **Aug. 27, 1997**

[51] **Int. Cl.**[6] ........ **H04L 9/00**

[52] **U.S. Cl.** ........ **380/24**

[58] **Field of Search** ........ 380/25, 24

[56] **References Cited**

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| 4,500,750 | 2/1985 | Elander et al. | 380/26 |
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| 4,747,058 | 5/1988 | Ho | 364/478 |
| 4,750,201 | 6/1988 | Hodgson et al. | 379/144 |
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| 4,926,325 | 5/1990 | Benton et al. | 364/408 |
| 4,960,981 | 10/1990 | Benton et al. | 235/379 |
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| 5,122,950 | 6/1992 | Benton et al. | 364/408 |
| 5,144,115 | 9/1992 | Yoshida | 235/379 |
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(List continued on next page.)

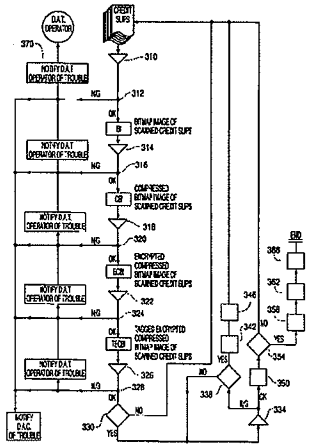
*Primary Examiner*—Salvatore Cangialosi

*Attorney, Agent, or Firm*—McGuire, Woods, Battle & Boothe LLP

[57] **ABSTRACT**

A system for remote data acquisition and centralized processing and storage is disclosed called the DataTreasury™ System. The DataTreasury™ System provides comprehensive support for the processing of documents and electronic data associated with different applications including sale, business, banking and general consumer transactions. The system retrieves transaction data at one or more remote Locations, encrypts the data, transmits the encrypted data to a central location, transforms the data to a usable form, performs identification verification using signature data and biometric data, generates informative reports from the data and transmits the informative reports to the remote location (s). The DataTreasury™ System has many advantageous features which work together to provide high performance, security, reliability, fault tolerance and low cost. First, the network architecture facilitates secure communication between the remote location(s) and the central processing facility. A dynamic address assignment algorithm performs load balancing among the system's servers for faster performance and higher utilization. Finally, a partitioning scheme improves the error correction process.

**50 Claims, 10 Drawing Sheets**



# EXHIBIT B

US006032137A

# United States Patent [19]

Ballard

[11] **Patent Number: 6,032,137**

[45] **Date of Patent: *Feb. 29, 2000**

[54] **REMOTE IMAGE CAPTURE WITH CENTRALIZED PROCESSING AND STORAGE**

[75] Inventor: **Claudio R. Ballard**, Lloyd Harbor, N.Y.

[73] Assignee: **CSP Holdings, LLC**, Lloyd Harbor, N.Y.

[ * ] Notice: This patent is subject to a terminal disclaimer.

[21] Appl. No.: **09/081,012**

[22] Filed: **May 19, 1998**

**Related U.S. Application Data**

[63] Continuation-in-part of application No. 08/917,761, Aug. 27, 1997, Pat. No. 5,910,988.

[51] **Int. Cl.**[7] ........ **H04L 9/00**

[52] **U.S. Cl.** ........ **705/75**

[58] **Field of Search** ........ 380/24, 25; 705/75

[56] **References Cited**

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| 4,457,015 | 6/1984 | Nally et al. | 382/45 |
| 4,523,330 | 6/1985 | Cain | 382/7 |
| 4,555,617 | 11/1985 | Brooks et al. | 235/379 |
| 4,680,803 | 7/1987 | Dilella | 382/9 |
| 4,694,147 | 9/1987 | Amemiya et al. | 235/379 |
| 4,747,058 | 5/1988 | Ho | 364/478 |
| 4,750,201 | 6/1988 | Hodgson et al. | 379/144 |
| 4,843,220 | 6/1989 | Haun | 235/380 |
| 4,858,121 | 8/1989 | Barber et al. | 364/406 |
| 4,888,812 | 12/1989 | Dinan et al. | 382/7 |
| 4,926,325 | 5/1990 | Benton et al. | 364/408 |
| 4,960,981 | 10/1990 | Benton et al. | 235/379 |
| 5,091,968 | 2/1992 | Higgins et al. | 382/30 |
| 5,122,950 | 6/1992 | Benton et al. | 364/408 |
| 5,144,115 | 9/1992 | Yoshida | 235/379 |
| 5,159,548 | 10/1992 | Caslavka | 364/408 |
| 5,173,594 | 12/1992 | McClure | 235/380 |
| 5,175,682 | 12/1992 | Higashiyama et al. | 364/408 |
| 5,187,750 | 2/1993 | Behera | 382/7 |
| 5,204,811 | 4/1993 | Bednar et al. | 364/406 |
| 5,220,501 | 6/1993 | Lawlor et al. | 364/408 |
| 5,237,158 | 8/1993 | Kern et al. | 235/379 |
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| 5,283,829 | 2/1994 | Anderson | 380/24 |
| 5,321,238 | 6/1994 | Kamata et al. | 235/379 |
| 5,321,751 | 6/1994 | Ray et al. | 380/23 |
| 5,326,959 | 7/1994 | Perazza | 235/379 |
| 5,345,090 | 9/1994 | Hludzinski | 250/566 |

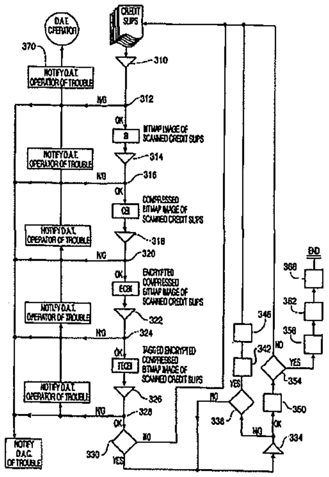
(List continued on next page.)

*Primary Examiner*—Salvatore Cangialosi
*Attorney, Agent, or Firm*—J. Michael Martinea de Andino; McGuire, Woods, Battle & Boothe, LLP

[57] **ABSTRACT**

A system for remote data acquisition and centralized processing and storage is disclosed called the DataTreasury™ System. The DataTreasury™ System provides comprehensive support for the processing of documents and electronic data associated with different applications including sale, business, banking and general consumer transactions. The system retrieves transaction data such as credit card receipts checks in either electronic or paper form at one or more remote locations, encrypts the data, transmits the encrypted data to a central location, transforms the data to a usable form, performs identification verification using signature data and biometric data, generates informative reports from the data and transmits the informative reports to the remote location(s). The DataTreasury™ System has many advantageous features which work together to provide high performance, security, reliability, fault tolerance and low cost. First, the network architecture facilitates secure communication between the remote location(s) and the central processing facility. A dynamic address assignment algorithm performs load balancing among the system's servers for faster performance and higher utilization. Finally, a partitioning scheme improves the error correction process.

**43 Claims, 11 Drawing Sheets**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CREDIT SLIPS
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310
312
N/G
OK
BI
BITMAP IMAGE OF SCANNED CREDIT SLIPS
314
316
CBI
COMPRESSED BITMAP IMAGE OF SCANNED CREDIT SLIPS
318
320
ECBI
ENCRYPTED COMPRESSED BITMAP IMAGE OF SCANNED CREDIT SLIPS
322
324
TECBI
TAGGED ENCRYPTED COMPRESSED BITMAP IMAGE OF SCANNED CREDIT SLIPS
326
328
330
YES
NO
NOTIFY D.A.C. OF TROUBLE
334
338
342
346
350
354
358
362
366
END

# EXHIBIT C

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| | Name | Approx Age | Birth Date | Phone | Address | City | State | Additional Reports |
|---|---|---|---|---|---|---|---|---|
| 1 | CLAUDIO BALLARD | - | - | Available | Available | HUNTINGTON | NY | Background Report |
| 2 | CLAUDIO R BALLARD | 47 | Available | Available | Available | HUNTINGTON | NY | Background Report |
| 3 | CLAUDIO R BALLARD<br>MARVIN L BALLARD | -<br>79 | -<br>Available | - | Available | HUNTINGTON STATION | NY | Background Report |

**Related Searches**

- C BALLARD

**Background Report** includes Results of People Search on this page + Address History, Criminal Check & much more.

**Related Searches**

- C BALLARD

**Name** | Address | Advanced | Social Security # | Maiden Name

| First Name | MI | Last Name | State |
|---|---|---|---|
| Claudio | | Ballard | New York |

☑ I entered a **partial first name** above

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# EXHIBIT D

US005717868A

# United States Patent [19]

James

[11] Patent Number: 5,717,868

[45] Date of Patent: Feb. 10, 1998

[54] **ELECTRONIC PAYMENT INTERCHANGE CONCENTRATOR**

[75] Inventor: **David L. James**, Dublin, Ohio

[73] Assignee: **Huntington Bancshares Inc.**, Columbus, Ohio

[21] Appl. No.: **399,763**

[22] Filed: **Mar. 7, 1995**

[51] **Int. Cl.**[6] .................... **G06F 17/60**

[52] **U.S. Cl.** .................... **395/235**; 395/239

[58] **Field of Search** .................... 364/401 R, 404, 364/405, 406, 407, 408; 395/201, 235, 237, 239, 240, 242, 243, 244

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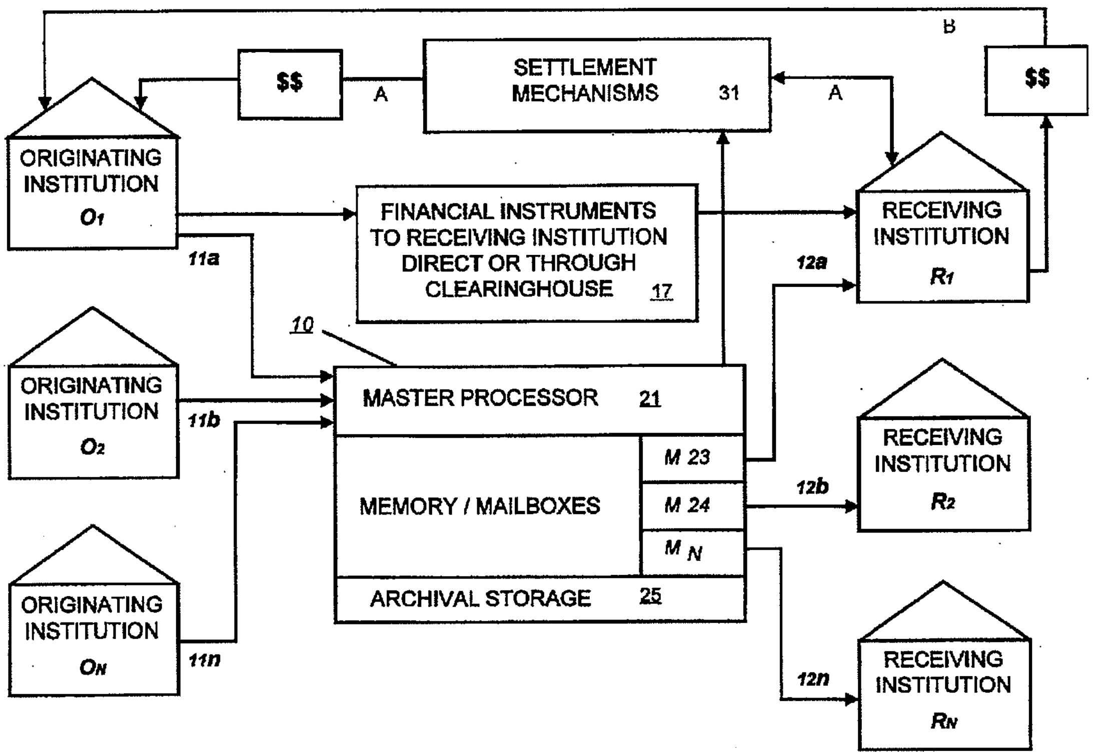
| 4,972,463 | 11/1990 | Danielson et al. | 364/408 |
| 5,050,078 | 9/1991 | Sansone | 364/406 |
| 5,237,500 | 8/1993 | Perg et al.. | 364/408 |
| 5,265,007 | 11/1993 | Barnhard, Jr. et al. | 364/408 |
| 5,526,409 | 6/1996 | Conrow et al. | 364/401 |

*Primary Examiner*—James P. Trammell
*Attorney, Agent, or Firm*—Porter, Wright, Morris & Arthur

[57] **ABSTRACT**

An apparatus, system and process for effecting one or more of the reception, transmission, translation and storage of data files containing information relating to financial instruments among and between multiple institutions wherein a data file in a first file format is received from an originating institution, the file is translated into a second data file format selected by an institution that is to receive the information, the information is stored in memory which is uniquely accessible to the receiving institution and transmitted to the receiving institution. Information derived from the financial instrument information contained in the second data file format may be transmitted to a settlement mechanism. The transmission to the receiving institution and to a settlement mechanism may occur on demand, based on instructions by the originating institution and within a prearranged time period.

**91 Claims, 2 Drawing Sheets**


B
$$
SETTLEMENT MECHANISMS 31
A
A
$$
ORIGINATING INSTITUTION O1
FINANCIAL INSTRUMENTS TO RECEIVING INSTITUTION DIRECT OR THROUGH CLEARINGHOUSE 17
RECEIVING INSTITUTION R1
11a
12a
10
ORIGINATING INSTITUTION O2
MASTER PROCESSOR 21
11b
MEMORY / MAILBOXES
M 23
M 24
M N
12b
RECEIVING INSTITUTION R2
ARCHIVAL STORAGE 25
ORIGINATING INSTITUTION ON
11n
12n
RECEIVING INSTITUTION RN

# EXHIBIT E

US005265007A

# United States Patent [19]

Barnhard, Jr. et al.

[11] Patent Number: 5,265,007

[45] Date of Patent: Nov. 23, 1993

[54] CENTRAL CHECK CLEARING SYSTEM

[75] Inventors: **John L. Barnhard, Jr.**, Worthington; **Thomas K. Bowen**, Westerville; **Terry L. Geer**, Baltimore; **John W. Liebersbach**, Gahanna, all of Ohio

[73] Assignee: **Huntington Bancshares Incorporated**, Columbus, Ohio

[21] Appl. No.: **390,623**

[22] Filed: **Aug. 7, 1989**

**Related U.S. Application Data**

[63] Continuation-in-part of Ser. No. 203,489, Jun. 7, 1988, abandoned.

[51] **Int. Cl.**[5] ........................ **G06F 15/20**; G06G 7/52

[52] **U.S. Cl.** .................................... **364/408**; 235/379

[58] **Field of Search** .................. 364/406, 408; 902/24, 902/39, 40; 235/379

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"Boycott of Automated Clearing System in London Is Said Close to Resolution" American Banker, Mar. 28, 1984, p. 2.

*Primary Examiner*—Roy N. Envall, Jr.
*Assistant Examiner*—Laura Brutman
*Attorney, Agent, or Firm*—Porter, Wright, Morris & Arthur

[57] **ABSTRACT**

A central check clearing association by which different member banks and financial institutions can each settle debit and credit balances with respect to other member institutions on a predetermined periodic basis and methods and systems by which the association is operable. The system and method is independent of conventional central bank district geographic and institutional boundaries and time zones.

**6 Claims, 1 Drawing Sheet**

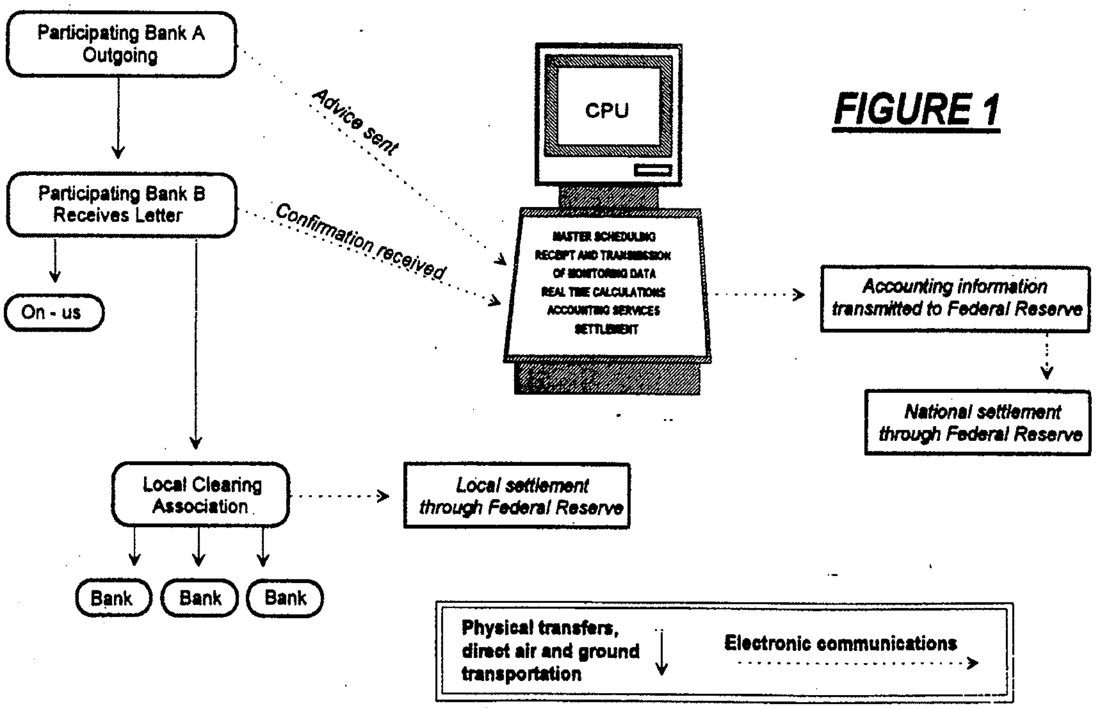
Participating Bank A Outgoing
Advice sent
Participating Bank B Receives Letter
Confirmation received
On - us
CPU
MASTER SCHEDULING
RECEIPT AND TRANSMISSION
OF MONITORING DATA
REAL TIME CALCULATIONS
ACCOUNTING SERVICES
SETTLEMENT
Accounting information transmitted to Federal Reserve
National settlement through Federal Reserve
Local Clearing Association
Local settlement through Federal Reserve
Bank
Bank
Bank
Physical transfers, direct air and ground transportation
Electronic communications

**FIGURE 1**